

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

DERIAS PAGE ANDERSON

PETITIONER

VS.

CIVIL ACTION NO. 3:20CV680TSL-RPM

SCOTT MIDDLEBROOKS

RESPONDENT

ORDER

This cause came on this date to be heard upon the report and recommendation of United States Magistrate Judge Robert P. Myers, and the court, having fully reviewed the report and recommendation entered in this cause on June 24, 2021, and no objection having been filed and being duly advised in the premises, finds that said report and recommendation should be adopted as the opinion of this court.

IT IS, THEREFORE, ORDERED that the report and recommendation of United States Magistrate Judge Robert P. Myers entered on June 24, 2021, be, and the same is hereby adopted as the finding of this court. Accordingly, it is ordered that respondent's motion to dismiss is granted, petitioner's motion is denied and the petition for writ of habeas corpus, filed pursuant to § 2254, is hereby dismissed.

It is further ordered that a certificate of appealability is denied. Petitioner has failed to demonstrate that "jurists of

reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right" or that "jurists of reason would find it debatable whether [this] court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484, 120 S. Ct. 1595, 146 L. Ed. 2d 542 (2000).

A separate judgment will be entered in accordance with Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this 19<sup>th</sup> day of July, 2021.

/s/Tom S. Lee

UNITED STATES DISTRICT JUDGE